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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1322 OF 2007

Bhimsingh Ganpatsingh Rajput Petitioner
versus
Pralhadsingh gulabsingh Rajput
and others Respondents

Mr.Shriniwas S. Patwardhan for petitioner.

CORAM : A.S.OKA, J.

DATE : 01st March 2007

PC :

1. In this petition under Article 227 of the Constitution of India, the petitioner is original defendant. The petitioner raised an objection to the valuation of the suit made for jurisdiction and court fees by making an application purporting to be an application under section 9-A of the Code of Civil Procedure, 1908. By the impugned order in this petition the said application has been rejected. As the application was styled as one u/s 9-A of the said Code I find no fault with the impugned order by which the Court declined to frame preliminary issue. While passing the impugned order the

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learned Judge has observed that the question whether the suit is properly valued or not can be considered at the later stage.

2. Notwithstanding rejection of this application it is always open for the petitioner to make an application for invoking Section 8 of the Bombay Court Fees Act, 1959.

(A.S.OKA, J.)